

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

246

**CRM-M-30446-2018
Date of decision: 05.08.2022**

SANJEEV KUMAR ARORA

.....Petitioner

VERSUS

JATINDER BANSAL

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Ajay Bajaj, Advocate for
Mr. G.L. Bajaj, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing the order dated 05.11.2016 (P-4) passed by the Judicial Magistrate First Class, Bathinda vide which the petitioner has been declared as proclaimed offender/person in complaint No. 5533 of 04.08.2015 tilted as “Jatinder Bansal versus Sanjeev Kumar Arora under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel appearing on behalf of the petitioner contends that pursuant to the order passed by this Court, the petitioner has already appeared before the trial Court and furnished bail bonds to the satisfaction of the Judicial Magistrate First Class on 23.05.2022. The aforesaid averment is not controverted.

In view of the above, the present petition is allowed and the order dated 05.11.2016 declaring the petitioner as proclaimed

person is set aside.

Furthermore, taking into consideration the fact that the directions for registration of FIR have not been issued in the impugned order dated 05.11.2016 declaring the petitioner as 'proclaimed person' and the proceedings not being punitive in nature and intended to secure the presence of the petitioner-accused, he cannot continue to be labeled as an absconder in the light of the law laid down by this Court in the matter of *Smt. Deeksha Puri Vs. State of Haryana* reported as *(2013) 1 RCR (Criminal) 159*. Hence, the impugned order dated 05.11.2016 (Annexure P-4) declaring the petitioner as 'proclaimed person' is set aside.

Instant petition stands allowed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 05, 2022

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No